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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/782,176      | 02/19/2004  | Deidra B. Jeffries   |                     | 4492             |

7590 06/24/2004

Ted Masters  
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EXAMINER

SANTOS, ROBERT G

ART UNIT PAPER NUMBER

3673

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,176

Applicant(s)

JEFFRIES ET AL.

Examiner

Robert G. Santos

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutton et al. '543. As concerns claims 1, 5, and 8, Hutton et al. '543 shows the claimed limitations of a method and apparatus for attaching a bed covering (26, 28) to a bed (10) having a mattress (24) disposed on top of a box spring or a support surface (12), comprising a device (30) including an elongated member (60) having a first end and an opposite second end; a connector (70) attached to the first end; and an anchor (32) connected to the second end; wherein *if* the elongated member is pulled toward the foot portion of the mattress the anchor inherently wedges between the mattress and the box spring or support surface (as described in column 7, lines 8-13) and wherein the connector is or may be attached to the bed covering *near* the foot portion of the mattress (as shown in Figure 1). With regards to claims 2, 6, and 9, the reference is considered to show a condition wherein the connector (70) is a garter connector in Figure 2; column 5, lines 62-68; and in column 6, lines 1-56. As concerns claims 3, 7, and 10, the reference discloses a condition wherein the elongated member (60) is stretchable (see column 5, lines 32-37).

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3. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Grisel '399. As concerns claims 1, 5, and 8, Grisel '399 shows the claimed limitations of a method and apparatus for attaching a bed covering (12) to a bed having a mattress (14) disposed on top of a box spring or a support surface (16), comprising a device (10) including an elongated member (20) having a first end and an opposite second end; a connector (22) attached to the first end; and an anchor (18) connected to the second end; wherein *if* the elongated member is pulled toward the foot portion of the mattress the anchor inherently wedges between the mattress and the box spring or support surface (as described in column 4, lines 63-65) and wherein the connector is or may be attached to the bed covering *near* the foot portion of the mattress (as shown in Figure 1). With regards to claims 2, 6, and 9, the reference is considered to show a condition wherein the connector (22) is a garter connector in Figures 2-5; column 3, lines 21-68; and in column 4, lines 1-35. As concerns claims 3, 7, and 10, the reference discloses a condition wherein the elongated member (20) is stretchable (see column 3, lines 14-20).

***Allowable Subject Matter***

4. Claims 4 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jeffries et al. '955, Jeffries et al. '194, Deckert '522, Schieberl '670, Griffith '491, Jester '970, Calabro '497, King '394, and Gartz '412.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tu-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
June 18, 2004